

CASE IS SUBMITTED

of the Impached Officials Now Rests with the Supreme Court.

ARGUMENTS WERE CLOSED YESTERDAY

Attorneys for the Respondents Concluded the Early Part of the Day.

WARD AND WEBSTER AT THEIR BEST

Efforts for the Defense Presented in Permanent and Convincing Oration.

WEBSTER'S GREAT EFFORT IN CLOSING

Impartial Presentation of the Case Made on Behalf of the State.

EVERY POINT WAS CAREFULLY COVERED

by the Woven, Compactly Built Fabric of the Argument for the Conviction of the Accused—Scenes and Incidents in the Court Room.

NEBRASKA, May 24.—[Special Telegram to THE BEE.]—After nearly four weeks of continuous labor, all of the parties connected with the impeachment trial of George H. Hastings, attorney general; John C. Lea, secretary of state, and Augustus R. Humphrey, commissioner of public lands and buildings, charged with the neglect of duty and the maladministration of their respective offices, are allowed an opportunity of taking a rest.

For the first time in the history of the state of Nebraska the supreme court sits as a court of impeachment, hearing testimony from witnesses and arguments of attorneys. Tonight, for the first time in four weeks, the mental strain is relaxed and men were permitted to give the matter serious and thoughtful consideration.

The trial ended and now all that remains for the three honorable members of the supreme bench to report their findings. In doing so they will make more history, as the decision will form a precedent for the guidance of future courts. What the result will be in this case is a matter of mere speculation and will continue to be such for some time to come. Owing to great amount of testimony which is before the court to review, and the large number of legal authorities that have been presented, the most hopeful ones do not look for an early decision.

Well Pleased With Their Case.

The managers of the impeachment and the attorneys upon both sides all declare that they are well satisfied with the prospects, and each individual interest points to good and sufficient reason why victory should perch upon his banner. The managers and their legal representatives both adhere to the idea that they have made a rock ribbed case, leaving no loop hole, by which any court can find grounds for an acquittal. They claim they have substantiated every charge in the articles, and that they have made a much stronger case than was presented to the joint session of the legislature when that body voted almost solid for impeachment.

It Was a Great Amalgam.

The fact that the closing arguments of counsel could draw the most notable evidence the court room had held in trial began. All the attorneys engaged in the case were on hand, of course, and in addition leading legal lights from all parts of the state and several from neighboring states were present. The young lawyers who graduated from the university and called the bar yesterday, occupied a prominent position and drank with earnest avidity the forensic lore laid out by them.

Attorneys Lambertson and Webster, making mental and scriptural memoranda of both the matter and the manner of the learned counsel. A large delegation of the prominent citizens of the capital was also present, including the lady stenographers, neglected whatever official duties might be awaiting their attention, and absorbed through eye and ear all that was to be seen and heard.

Court convened at 9 o'clock, an hour earlier than usual, allow of the arguments all being concluded today, and each side have its mutually agreed on time to speak.

There never was a more attentive audience in any hall of justice. A fall of the proverbial pie would have sounded like stage thunder at any moment of either scene. The scene was impressive to a degree.

The accused officials were all present, surrounded by their immediate friends in respectful silence. The managers appointed by the legislature were also present, looking serious, responsible and modestly confident.

Giant Efforts of Great Minds.

The arguments of counsel were earnest, earnestly profound and at times brilliant. Attorney John L. Webster made the effort of his professional lifetime; so say his friends, who are loud in praise of both his argument and his delivery. His clients, too, expressed their satisfaction with his plea. And Judge Hayward of Nebraska City, too, fully earned his fee. It was 3 o'clock when the case for the state, and for two hours he held judges, counsel and general audience wrapped in oblivion to everything but his summing and presentation of the evidence. It was a masterly effort, and the court was, if possible, visibly impressed with his fine reasoning and seemingly irresistible conclusion. Attorney Lambertson displayed marvellously effective judgment in the argument of the various sections of his argument, he touched on and positively exhausted every point in the case and within his 130 minutes allotted time, closing on the very clock stroke.

What Will the Harvest Be?

Much speculation was naturally indulged during intermission today and after adjournment tonight. Most of the cognoscenti are agreed that the court cannot reach a decision before next Tuesday at the earliest. Some aver that six weeks will pass before judg-

ment is rendered. There are a few who give it out that the decision will be reached in a few days, that Governor Crouse, who will be apprised of the verdict immediately reached, may have time in which to appoint men to fill the vacancies that will occur.

How do the accused take it? They and their counsel this evening expressed their views as the voice can, full confidence that they would be declared not guilty on every article and each specification of every article. Of course, this is the only possible result for the state attorney and they will get a verdict on every count and each clause of every count.

But there is another opinion current and expressed. It has been formed by leading lawyers not engaged in the case, who have closely followed it from beginning to end, and the more thoughtful among them are of the opinion that the state attorney, by his citizenry endorses it as the most reasonable. It says that the court will stand two-thirds in favor of conviction and one for acquittal on a majority of the charges, and these the cardinal ones.

Messrs. Berry of Greeley and Casper and Colton of Butler, the legislature-appointed managers, have expressed their views on this evening as entirely satisfied with the outcome of their work. They think a much stronger case has been made out than was outlined before the legislature by the investigating committee. These gentlemen have tended to their duties with praiseworthy devotion and energy.

That Question of Jurisdiction.

The court has not as yet intimated what disposition it will make of the raised question of jurisdiction in the case. It is expected that its reading of the law submitted on the matter will be given out at the session of the court next Tuesday. It is expected that the judges have decided that the court has jurisdiction in the cases of Attorney General Hastings and ex-State Treasurer Hill, but that the constitution of Attorney General Lee is without its consideration. Should this prove to be the decision of the court, the friends of General Lee say he will waive his right to a full and complete examination and insist on the charges preferred against him being brought to trial.

Hayward Laid It to Passion.

With the opening of this morning Judge Hayward threw himself into the breach, arguing that the charges against the state judge promised he would not spring any briefs upon the court, nor would he consume a great deal of time. He said that he would be fair and patient, and owing to his limited time he would defer the thanks of sitting right down to the merits of his side of the case. He said that he would be fair and patient, and owing to his limited time he would defer the thanks of sitting right down to the merits of his side of the case. He said that he would be fair and patient, and owing to his limited time he would defer the thanks of sitting right down to the merits of his side of the case.

John L. Webster's Defense.

At the conclusion of Judge Hayward's remarks, John L. Webster addressed the court. He said: "May I please your honors I have come to the stage where I have performed my last duties to these respondents. They have been my friends, my neighbors, my countrymen, who chose them to fill these honorable departments; they came there by the same process that elevated your honorable selves to this high tribunal."

"So far not one word has dropped from any witness to show that these gentlemen have been guilty of corruption. No man was ever found guilty of corruption, unless he was found guilty of it by the jury, and the purpose in what he did; what is this? Simply an investigation as to whether there was fraud at the asylum or whether Dorgan had been guilty of some crime, or whether he had defrauded the state, at the asylum, your grand jury is for that purpose, and you stay the hands of the grand jury is sent out to bring in the men of honor and standing; there has been nothing said against these men; we have cross-examined, but simply to show the connection with the fraud, if there were any."

"How stands this case? These men were elected by the people, and they were given no charge against them as officials to the positions to which they were elected; there is no charge that individually any of them committed crime. Because of the charges as a board they passed erroneous judgment, they should be removed from office, but for the first time in my life I feel near that you can impeach a public officer, and that as a legislative body, I need not stop further to debate that, for from the first no such thing has ever been heard of; there is no such a case in history."

Came Through Mosher's Mistake.

"If Mosher's bank had not failed, I don't think you would have heard of this impeachment; it has been suggested that this state was in the same condition as in 1875, when the constitution was adopted; the managers have gone back to compare those dates with this; when we got up to 1880 we had 400,000 people and now we have over 1,000,000 people; we stand on more and larger institutions; we stand on more with the other states of the union; with this rapid progression every man here ought to have a new idea of criminalizing the state by saying that the asylum had been robbed, and charging the robbing to men who were without any such knowledge."

Dorgan's Glowing Character.

"What is this cell house matter? Simply an indictment of W. H. Dorgan, and that in all of the charges against Dorgan there is nothing to show the corruption of any state officer. When he was appointed superintendent of the asylum, he was a man unimpeachable in character, and we are to try this case as the condition existed then; we are to try these men in the light of the conditions of things as they were at one charge against Dorgan, and that is that he represented the prison contractors. Even the managers put Dorgan on as a trust-worthy witness, and the respondents ever testimony the court should consider. Can they now impose upon this court by saying that Dorgan was a criminal and a thief? Before he was elected he never received a single dollar of that cell house fund for his own purpose. No testimony shows that these respondents ever received a dollar of that money, but we sat here yesterday and heard it said that there was a divide."

Upon the value of the cell house fund brought intelligent men, men whose testimony is carried with it the conviction of honesty and ability. I ask your honors to judge this case upon the clearness with which these men offered their evidence, and the manner in which the court expects to decide against the respondents must be proven beyond a reasonable doubt. The managers propose to impeach Hastings because he did not know the value of stone; they propose to impeach Allen because he did not know the value of labor and Humphrey because he was not an architect. Because they took a pleasure to expend in impeaching them for that. When a man was elected as land commissioner, were they voting for a man to look after a cell house, or for a man to look after 4,000,000 acres of state lands? When they were voting for Hastings, were they electing a man to buy stone, or were they electing a man to look after the laws of the state?"

Took the Money Rightfully.

The state board in the appropriation of the (CONTINUED ON FRONT PAGE.)

In a measure accounted for the wide swarmer of the state's architects. No man has assumed the charges for the roof or the floor, but he paid \$2,342 for labor, and every word of testimony shows that it was worth what it cost.

Such of Amenity Substituted.

"There has been no temper shown in this trial and I am sorry that Judge Doane used the word 'larceny' when he was making his argument last night. I looked in his eyes at that point, and I think he thought he was right. The prison contractor said that he was willing to put in eighty cells and it was known that the old cells were being torn down. He said that he was willing to learn about the new cells to go from state to state and see the latest improvements; no man who contemplates building a \$100,000 residence would not go to the best of the residence without going from city to city looking at plans."

I contend that the board had a perfect right in using the \$200,000 for the purpose of General Hastings advised this expenditure from the cell house fund, and in doing so he advised in a perfect legal manner. Right here we may say that it comes with the grace from the gentlemen to stand up and charge larceny when they are using up \$23,342 of our money each day to prosecute the crime cannot be rightly said to be poor articles of impeachment because the board gave Elder Howe \$300 to pay his expenses in attending that prison congress, and it is a disgrace that it stands upon this record.

Not Responsible for Stealing.

"Regarding the coal at the asylum, they charge us with negligence. The auditor should examine every receipt, and if he finds a warrant, and the laws of the state make it his duty to go so. The most that is claimed is that the board is to assist the state in this regard. It is not the duty of the auditor and secretary of state. The bills were turned over to the auditor that he might examine them. It is not the duty of the board to examine them. It follows that all that the respondents have done has been to assist the auditor; even if it is outside of their duty to audit claims, the crime cannot be rightly said to be poor upon claims without the authority of the auditor and secretary of state. The bills were turned over to the auditor that he might examine them. It is not the duty of the board to examine them. 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